Calendar No. 74

98TH CONGRESS } SENATE { REPORT
1st Session } { No. 98–45

IRISH WILDERNESS ACT OF 1983

MARCH 31, 1983.—Ordered to be printed
Filed under authority of the order of the Senate of MARCH 24 (legislative day, MARCH 21), 1983

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 64]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 64) to establish the Irish Wilderness in the Mark Twain National Forest, Missouri, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

S. 64, as reported, would designate a 17,562-acre area in the Mark Twain National Forest, Missouri as a component of the National Wilderness Preservation System. The area will be named the Irish Wilderness.

BACKGROUND AND NEED

In the 96th Congress, four areas in Missouri were designated as wilderness by Public Law 95–560. Two additional areas were identified for further planning during the RARE II process. They include the areas known as the Irish Wilderness (S. 64) and Paddy Creek, a congressionally designated wilderness area.

S. 64 would designate a 17,562-acre Irish Wilderness along the Eleven Point River in southern Missouri. The River is a unit of the Wild and Scenic River System.

The area was placed in the further planning category in the RARE II study because of the potential of lead and zinc being found there. The area is south of the Viburnam Trend, an active mining area in Missouri that contains 90 percent of the U.S. 1980 production of lead and 20 percent of the free world output of lead. Geological evidence indicates a high potential for lead-zinc deposits in the proposed Irish

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Wilderness. The deposit is estimated to be approximately 2,000 feet below the surface thereby eliminating the possibility of verification without drilling.

St. Joe Minerals Corporation applied to BLM for a prospecting permit on 2,400 acres of National Forest System lands in Missouri including 320 acres in the proposed Irish Wilderness. The Mark Twain National Forest has completed an environmental assessment on mineral exploration in the proposed wilderness.

The Regional Forester has selected an alternative which allows prospecting. The plan for the Mark Twain National Forest is due in 1983. The proposed Irish Wilderness is currently managed to maintain its wilderness potential.

The Irish Wilderness has long been recognized for the special attractions it offers for dispersed types of recreation. It offers beauty, a good degree of solitude, geologic features such as Whites Creek Cave or Fiddler Spring and interesting flora and fauna. Camping, hunting and hiking are a few of many visitor activities. Many visitors pass through the area to reach the Eleven Point River, a major attraction. The total dispersed use within the Irish Wilderness was estimated as 4,600 visitor-days in 1980, a 100 percent increase over 1975.

The Whites Creek Trail within the Irish Wilderness is used for hiking. In 1980, 2,800 visitor-days of use on it alone was recorded, 180 percent increase over 1975. Its main trailhead facility, Camp Five Pond, had a comparable increase.

The majority of use within the Irish Wilderness takes place from May through September with hikes and horseback riders preferring the cooler spring and fall weather. Use is heaviest on weekends and holidays. Spring turkey season and fall deer season bring temporary influxes of hunters also. While use is low during the winter months, occasional users can be encountered taking advantage of favorable weather. Whites Creek Cave is a popular destination for hikers.

The Irish Wilderness draws its name from a bit of pre-Civil War history. As a young missionary priest in frontier Missouri, Father John Hogan was deeply affected by the suffering and poverty he saw among the Irish immigrants in the railroad camps around St. Louis. He resolved to help these people acquire land of their own and start a new life. In 1858 he led the first group of about 40 Irish families to a wilderness area in southern Missouri, where they bought Government land for 12½ cents an acre. The settlers were wiped out by marauders during the Civil War years, but the name stayed with the area.

Although the original stands of pine and oak were cut down at the end of the 19th century, the basic forest cover has returned and with every passing year more closely resembles the virgin forest. Because of the large size of the wilderness area, the Irish has remained home to practically the full range of Ozark wildlife, with sightings reported of the American black bear and the eastern cougar.

The diversity of the various biological communities-terrestrial as well as aquatic-results from the combination of geology, topography, soils, plants, and animals. The area is large enough to function essentially on its own, and this is its most important value in terms of natural history.

LEGISLATIVE HISTORY

S. 64 was introduced on January 26, 1983. S. 64 is similar to S. 1964 as reported by the Committee and as passed the Senate in the 97th Congress. The Public Lands and Reserved Water Subcommittee received testimony on S. 1964 on May 27, 1982. The administration opposed the enactment of S. 1964. No hearings were held in the 98th Congress. At a business session on March 23, 1983, the Committee on Energy and Natural Resources ordered S. 64 favorably reported.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources in an open business session on March 23, 1983, by unanimous vote of a quorum present recommends that the Senate pass S. 64 as described herein.

The rollcall vote on reporting the measure was 20 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz [1]	
Mr. Johnston	
Mr. Jackson [1]	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley [1]	

[1] Indicates voted by proxy.

COST AND BUDGETARY CONSIDERATIONS

The Committee does not anticipate any additional budgetary impact from enactment of S. 64, to designate certain lands in the Mark Twain National Forest, Missouri, which comprise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System.

The measure (S. 64) does not authorize any additional budget authority. In the event that there are any administrative costs associated with the bill, the Committee intends that any expenses be absorbed within funds otherwise available to the Department of Agriculture.

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., March 24, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed S. 64, the Irish Wilderness Act of 1983, as ordered reported by the Senate Committee on Energy and Natural Resources, March 23, 1983.

This bill adds approximately 17,562 acres of land in the Mark Twain National Forest, Missouri, to the National Wilderness Preservation System. Based on information from the National Forest Service, it is estimated that additional costs for the surveying, planning and related activities associated with the wilderness designation will be approximately $50,000 per year during the three fiscal years beginning with 1983.

The provisions of the National Wilderness Preservation Act stipulate that all timber located in units of the national wilderness preservation system be removed from the timber base of the national forest in which it is located. However, because the annual cut in the Mark Twain National Forest does not approach the maximum timber harvest allowed, no federal timber receipts are expected to be forgone as a result of enactment of this legislation.

Enactment of this bill would not affect the budgets of State and local governments.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 64 as reported. S. 64 would designate certain lands in the Mark Twain National Forest, Missouri, which compromise about 17,562 acres, and known as the Irish Wilderness, as a component of the National Wilderness Preservation System.

The bill is not a regulatory measure in the sense of imposing Government established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 64.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of Agriculture setting forth Executive agency recommendations relating to S. 64 is set forth below:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., March 22, 1983.

Hon. JAMES A. MCCLURE,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: As you requested, here is our report on S. 64, a bill "To establish the Irish Wilderness in Mark Twain National Forest, Missouri."

The Department of Agriculture recommends that S. 64 not be enacted.

S. 64 would designate a 17,562-acre Irish Wilderness on the Mark Twain National Forest. The area would become a component of the National Wilderness Preservation System and be administered by the Secretary of Agriculture in accordance with the provisions of the 1964 Wilderness Act (78 Stat. 890).

This area is one of ten roadless and undeveloped areas on the Mark Twain National Forest that was included in the Second Roadless Area Review and Evaluation (RARE II). The area was identified for further planning during the RARE II process because of a high potential for valuable lead-zinc resources within the area.

The proposed Irish Wilderness is recognized as a prime candidate for wilderness by most conservation groups. However, many local organizations and local residents support nonwilderness uses for the area. This 17,500-acre area is located along the free-flowing Eleven Point River in southern Missouri. Named for an ill-fated settlement of Irish immigrants prior to the Civil War, the area contains hollows, ridges, and bluffs that provide abundant habitat for a variety of wildlife.

The area is situated south of the Viburnum Trend, a rich lead belt that is estimated to contain 90 percent of the 1980 National output and 20 percent of the 1980 free world output for lead. Geological evidence indicates a high potential for valuable lead-zinc deposits within the proposed Irish wilderness. The Bureau of Mines and U.S. Geological Survey recently completed a mineral survey of the area and their report stated that the potential for deeply buried metallic mineral deposits cannot be confirmed or ruled out without information obtained from drilling deep test holes within and near the study area. To date, four applications have been filed.

This further planning area will be considered for all uses, including wilderness, during development of the forest land and resource management plan currently underway. The plan for the Mark Twain National Forest is scheduled for completion in late 1983. In the interim, the area will be managed to maintain its wilderness potential. Activities permitted by prior rights, existing law and other established uses may continue pending final disposition of the area. Certain ex-

ploration activities for mineral resources may occur for information gathering prior to completion of the forest plan.

We believe wilderness designation is not appropriate at this time. We should first assess the significance of the area's mineral resource and then consider this information along with the wilderness and other resource values. Therefore, we recommend S. 64 not be enacted at this time.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JOHN R. BLOCK,
Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law would be made by the bill, S. 64, as reported.

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Calendar No. 75

98TH CONGRESS
1st Session

SENATE

REPORT
No. 98–46

GUAM AUTHORIZATION

MARCH 31, 1983.—Ordered to be printed
Filed, under authority of the order of the Senate of MARCH 24 (legislative day, MARCH 21), 1983

Mr. MCCLURE, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 589]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 589) to amend section 1(a)(1) of Public Law 95–348 (92 Stat. 487) to authorize the appropriation of $4,038,000 for capital improvement projects on Guam for fiscal year 1984, having considered the same, reports favorably thereon with amendments to the text and an amendment to the title and recommends that the bill (as amended) do pass.

The amendments are as follows:

1. Page 1, line 7, delete "$4,038,000 for fiscal year 1984,'." and insert in lieu thereof "effective October 1, 1983, $15,500,000,'.".

2. At the end of section 1, add a new section 2 as follows:

> SEC. 2. Funds authorized to be appropriated for the construction of a hydroelectric facility in Ponape pursuant to section 101 of Public Law 96–205 (94 Stat. 84), as amended, may be appropriated directly to the Secretary of the Army for expenditure by the Chief of Engineers on such construction.

3. Amend the title to read as follows: "A bill to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.".

PURPOSE

As introduced S. 589 would authorize funds for water and sewer construction along Tumon Bay in Guam and partial funding for related drainage system and road repair.

BACKGROUND

Tourism is the major private sector industry in Guam and the Tumon Bay area contains 11 hotels serving 85 percent of the tourists

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in Guam. Since 1970, tourism has expanded from 73,000 visitors generating $11 million in expenditures to 300,767 visitors spending $117.9 million in 1980. The existing water, sewer, and drainage system is inadequate for present demand or proposed expansion and the road is unsafe. Both the Administration and the Government of Guam view this project as a priority item with a total project cost of $11.4 million.

During the hearing which the Subcommittee on Energy Conservation and Supply conducted on S. 589, the Governor of Guam requested an additional authorization of $4.1 million to complete the Guam penitentiary for which partial funding of $6.5 million was appropriated in fiscal year 1980. The facility under construction will house only 84 inmates while the Department of Corrections has responsibility for 159 persons at this time. The original plan was for a facility to house 261 inmates with segregated facilities for female inmates, a halfway house, and administration building.

Legislative History

S. 589 was introduced by Senator McClure at the request of the Administration on February 24, 1983. The Subcommittee conducted a hearing on March 8, 1983. The measure was considered and ordered favorably reported with amendments by the full Committee in an open business meeting on March 23, 1983.

Committee Recommendation and Tabulation of Votes

The Senate Committee on Energy and Natural Resources in an open business session on March 23, 1983, considered S. 589 and by unanimous vote of a quorum present recommends that the Senate pass S. 589 if amended as described herein.

A single rollcall vote was taken on reporting S. 589 as well as S. 64 and S. 543. The vote on reporting the measures was 20 yeas, 0 nays as follows:

YEAS	NAYS
Mr. McClure	
Mr. Hatfield [1]	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Warner	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Chafee	
Mr. Heinz [1]	
Mr. Johnston	
Mr. Jackson	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Matsunaga	
Mr. Melcher	
Mr. Tsongas	
Mr. Bradley	

[1] Indicates vote by proxy.

Explanation of Committee Amendments

(1) The first Committee amendment would increase the authorization level from $4,038,000 to $15,500,000 and make the authorization effective October 1, 1983, in lieu of the original limitation on the authorization to fiscal year 1984. The authorization was increased to permit full funding of the Tumon Bay project ($11.4 million) and $4.1 million to complete the Guam penitentiary for which $6.5 million was appropriated in fiscal year 1980. The change from the limitation of fiscal year 1984 to "effective October 1, 1983" will provide the Appropriations Committee some discretion in determining the level of funding and the timing.

The Committee believes that in determining the level of funding for the Tumon Bay project, the Appropriations Committee should consider whether a portion of the funds available under the Surface Transportation Act could be used to fund some of the road repair part of the project. In addition, the Committee believes that the Appropriations Committee should consider whether the Tumon Bay project should be funded in a single year or in several phases as suggested by the Administration.

With respect to the penitentiary, the Committee has provided an additional $4.1 million authorization to complete construction based on information submitted by the Governor. The authorization was provided at this time due to the requirements of the Budget Act that new authorizations for fiscal year 1984 be reported prior to May 15 and because construction on the penitentiary is presently underway as a result of appropriations in fiscal year 1980. The Committee is concerned, however, over the history of the penitentiary and strongly urges the Appropriations Committee to review this request prior to any appropriations. The Committee is concerned that a contract for $8.2 million was entered into based upon an appropriation of only $6.5 million in fiscal year 1980. In addition, the Committee is concerned over the radical reduction in scope of the project to the point that the completed facility will be inadequate to meet present demands without the additional appropriation. Specifically, the Committee suggests that the Appropriations Committee (1) obtain assurances from both the Administration and the government of Guam that the facility will be returned to original scope or a scope adequate to meet the needs of Guam with the additional funds; (2) ensure that proper contracting procedures are followed and that sufficient budget authority (either Federal or local) is available to support any contract; and (3) request that the Administration advise the Congress of any changes in scope of the project in contradiction of the purposes and objectives of the appropriation. The Committee has obtained assurances from both the government of Guam and the Department of the Interior that they will be prepared to address these issues during the appropriations process, and it is only on the basis of those assurances that we have approved this authorization.

(2) The second Committee amendment added a new section to the bill. Section 101 of Public Law 96–205 authorized funding for a hydroelectric facility in Ponape which is presently under construction by the Corps of Engineers pursuant to a memorandum of understanding with the Governor of Ponape and the High Commissioner

of the Trust Territory of the Pacific Islands. This amendment would allow the funds authorized by Public Law 96–205 to be provided directly to the Corps of Engineers to complete the project. The section does not authorize any new funding nor does it alter the responsibility or authority of the High Commissioner or the Secretary of the Interior over construction activities in the Trust Territory of the Pacific Islands nor does this section alter or permit any change in the present arrangements between the Corps of Engineers and the Governor of Ponape. This section only provides discretion to provide the necessary and already authorized funding directly to the Corps of Engineers so that current construction activities may continue uninterrupted and without delay.

(3) The title has been amended to reflect the Committee amendments.

Cost and Budgetary Considerations

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, D.C., March 23, 1983.

Hon. James A. McClure,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, D.C.

Dear Mr. Chairman: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for S. 586, a bill to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, March 23, 1983.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

James Blum,
(For Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

March 23, 1983.

1. Bill number: S. 586.
2. Bill title: A bill to authorize $15,500,000 for capital improvement projects on Guam, and for other purposes.
3. Bill status: As ordered reported by the Senate Committee on Energy and Natural Resources, March 23, 1983.
4. Bill purpose: This bill authorizes funds for certain capital improvement projects in Guam.
5. Estimated cost to the Federal Government:

	Millions
Authorization level:	
Fiscal year:	
1984	$15.5
1985	-----
1986	-----
1987	-----
1988	-----
Estimated outlays:	
Fiscal year:	
1984	10.1
1985	5.4
1986	-----
1987	-----
1988	-----

The costs of this bill fall within budget function 800.

Basis of Estimate: This estimate assumes that the full amount authorized will be appropriated. Estimated outlays are based on information supplied by the office of the Governor of Guam regarding construction schedules.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: Judith Walker.
10. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred on the passage of S. 589.

It is the Committee's expressed opinion that the bill is not a regulatory measure in the sense of imposing Government established standards of significant responsibilities on private individuals or businesses. It also is the Committee's expressed opinion that little, if any, additional paperwork would result from enactment of S. 589.

EXECUTIVE COMMUNICATIONS

The pertinent communication received by the Committee from the Department of the Interior transmitting S. 589 is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 1, 1983.

Hon. GEORGE BUSH,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft bill "To amend Section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the

appropriation of $4,038,000 for capital improvement projects on Guam for fiscal year 1984."

We recommend that the bill be referred to the appropriate committee for consideration, and that it be enacted.

The proposed bill would authorize funds for fiscal year 1984 for needed capital improvement projects on Guam in the amount contained in the President's 1984 budget. The current authorization will expire at the end of fiscal year 1983. The authorization would be for water and sewer construction at Tumon Bay.

The Office of Management and Budget has advised that enactment of this proposal would be in accord with the program of the President.

Sincerely,

JAMES G. WATT,
Secretary.

Enclosure.

A BILL To amend section 1(a)(1) of Public Law 95-348 (92 Stat. 487) to authorize the appropriation of $4,038,000 for capital improvement projects on Guam for fiscal year 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1(a)(1) of Public Law 95-348 (92 Stat. 487) as amended by Public Law 97-357 (96 Stat. 1705) is amended by deleting the word "and" where it last appears, and inserting after the words "fiscal year 1983," the words "and $4,038,000 for fiscal year 1984,".

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, S. 589, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

PUBLIC LAW 95-348—AUGUST 18, 1978

(92 Stat. 487)

SECTION 1. (a)(1) For grants to the government of Guam for the rehabilitation, upgrading, and construction of public facilities, there is hereby authorized to be appropriated to the Secretary of the Interior (hereinafer in this Act referred to as the "Secretary") $13,868,000 for fiscal year 1979, and $20,000,000 thereafter, plus or minus such amounts, if any, as may be justified by reason or ordinary fluctuations in construction costs from October 1978 price levels as indicated by engineering cost indexes applicable to the types of construction involved, [and] $6,052,000 for fiscal year 1983, *and effective October 1, 1983, $15,500,000*, such sums to remain available until expended.

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